



## Diversion Authority Land Management Committee

April 23, 2024 @3:00pm CST

This meeting will be in-person at Fargo City Hall Commission Chambers (225 4<sup>th</sup> St N, Fargo ND 58102).

1. Call to Order
  - a. Roll call of Members
2. Approve minutes from February 21, 2024  
[Attachment 00.01] (Pg. 2)
3. Approve Order of Agenda
4. OINs 717Y, 9732Y, 7247, 7248, 7249, 877 and 8385Y Excess Land Recommendations  
[Attachment 01.00] (Pg. 5)
5. Other Business
6. Next Meeting: To Be Determined
7. Adjournment

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### **MEDIA AND PUBLIC PARTICIPATION INFORMATION**

There are multiple ways to attend or watch this public meeting.

- View the Meeting on Fargo TV or at [www.TVFargo.com](http://www.TVFargo.com)
- View the Meeting on the City of Fargo's Facebook or Twitter feed.
- View the Meeting at [FMDiversion.com/Meeting](http://FMDiversion.com/Meeting)
- View the Meeting at [Twitter.com/FMDiversion](https://twitter.com/FMDiversion)



# Metro Flood Diversion Authority Land Management Committee Meeting Minutes

**3:00 PM – February 21, 2024**

Fargo City Hall, Red River Room

A meeting of the Metro Flood Diversion Authority Land Management Committee was held on February 21, 2024. The following members were present: Mary Scherling, Cass County Commissioner; Kevin Campbell, Clay County Commissioner; Nathan Boerboom, Fargo Division Engineer; Duane Breitling, Cass County Commissioner; Matt Stamness, Cass County Engineer and Arlette Preston, Fargo City Commissioner.

Member(s) absent: Mike Redlinger, Administrator, City of Fargo; Rodger Olson, Cass County Joint Water Resource District; Chuck Hendrickson, Moorhead City Council; Jenny Mongeau, Clay County Commissioner and Bob Zimmerman, Moorhead City Engineer.

## **1. INTRODUCTION**

Mrs. Scherling called the meeting to order at 3:00 PM. Roll call was taken, and a quorum was present.

## **2. APPROVE MEETING MINUTES FROM THE OCTOBER 2023 MEETING**

### **MOTION PASSED**

**Mr. Boerboom moved to approve the minutes from October 25, 2023, and Mr. Breitling seconded the motion. On a voice vote, the motion carried.**

## **3. APPROVE ORDER OF AGENDA**

### **MOTION PASSED**

**Ms. Preston moved to approve the order of the agenda as presented and Mr. Breitling seconded the motion. On a voice vote, the motion carried.**

## **4. OIN 837 EXCESS LAND RECOMMENDATION**

Ms. Smith introduced the above-referenced OIN and asked for approval to sell the parcel based on the Excess Lands Policy.

*OIN 837 is located along the east side of Cass County Hwy 17 between 49th Street SE and 50th Street SE. The parcel is in the UMA. This former residential property has had all structures removed from the property as part of the project.*

### **MOTION PASSED**

**Mr. Stamness moved to approve the sale of OIN 837 as excess land and Mr. Breitling seconded the motion. On a roll call vote, the motion carried.**

**5. OIN 839 EXCESS LAND RECOMMENDATION**

Ms. Smith introduced the above-referenced OIN and asked for approval to sell the parcel based on the Excess Lands Policy.

*OIN 839 is located in the NW corner of the intersection of Cass County Hwy 17 and 50th Street SE. The parcel is in the UMA. This former residential property has had all structures removed from the property as part of the project.*

**MOTION PASSED**

**Mr. Breitling moved to approve the sale of OIN 839 as excess land and Ms. Preston seconded the motion. On a roll call vote, the motion carried.**

**6. OIN 2185 EXCESS LAND RECOMMENDATION**

Ms. Smith introduced the above-referenced OIN and asked for approval to sell the parcel based on the Excess Lands Policy.

*OIN 2185 is located off of 50th St SE in the Upstream Mitigation Area associated with the project. This former residential property has had all structures removed from the property as part of the project.*

**MOTION PASSED**

**Ms. Preston moved to approve the sale of OIN 2185 as excess land and Mr. Stamness seconded the motion. On a roll call vote, the motion carried.**

**7. OIN 5055Y EXCESS LAND RECOMMENDATION**

Ms. Smith introduced the above-referenced OIN and asked for approval to sell the parcel based on the Excess Lands Policy.

*OIN 5055Y is located immediately adjacent to and north of the Southern Embankment Reach 1 (SE-1) component of the Comprehensive Project. The parcel is just east of 169th Ave SE, but is not accessible directly from 169th Ave SE.*

**MOTION PASSED**

**Ms. Preston moved to approve the sale of OIN 5055Y as excess land and Mr. Boerboom seconded the motion. On a roll call vote, the motion carried.**

**8. OINs 726Y2 AND 730Y2 EXCESS LAND RECOMMENDATION**

Ms. Smith introduced the above-referenced OINs and asked for approval to sell the parcels based on the Excess Lands Policy.

*OINs 726Y2 and 730Y2 are located adjacent to the Diversion Channel, just north of 52nd Ave W in Cass County, North Dakota.*

**MOTION PASSED**

**Mr. Boerboom moved to approve the sale of OINs 726Y2 and 730Y2 as excess land to CCJWRD and per Section 1.2 of the Excess Lands Policy, approve CCJWRD selling, trading, and/or exchanging these parcels with SECWRD. Mr. Breitling seconded the motion and on a roll call vote, the motion carried.**

**9. DISPOSAL OF ABANDONED RAIL RIGHT OF WAY**

Ms. Smith introduced the abandoned rail right of way and inquired how the committee wishes to dispose of the land: sell in three sections or sell in multiple sections that align with the residential parcel boundaries.

**MOTION PASSED**

**Mr. Boerboom moved to sell in three sections and Mr. Stamness seconded the motion. On a roll call vote, the motion carried.**

**10. OTHER BUSINESS**

There was no additional business to discuss.

**11. NEXT MEETING**

To be determined.

**12. ADJOURNMENT**

Mr. Breitling moved to adjourn, and Ms. Preston seconded the motion. The meeting adjourned at 3:59 PM.



# Memorandum



To: Metro Flood Diversion Authority Lands Committee  
From: Michael Redlinger, Co-Director  
Robert Wilson, Co-Director  
Cc: John Shockley, MFDA Legal Counsel  
Date: April 23, 2024  
Re: OINs 717Y 9732Y, 7247, 7248, 7249, 8385Y, 877, Excess Land

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## RECOMMENDATION/ACTIONS NEEDED:

Approve OINs 717Y 9732Y (7.72 acres), 7247 (2.46 acres), 7248 (1.03 acres), 7249 (3.90 acres) to begin the process to dispose of the excess Land per the Policy on the Disposition and Management of Comprehensive Project Lands.

Approve OINs 877 (2.75 acres), 8385 (8.082 acres), subject to a flowage easement, to begin the process to dispose of the excess Land per the Policy on the Disposition and Management of Comprehensive Project Lands.

## ATTACHMENTS:

- Memo – Excess Lands Recommendation – OIN 717Y 9732Y
- Memo – Excess Lands Recommendation – OIN 7247
- Memo – Excess Lands Recommendation – OIN 7248
- Memo – Excess Lands Recommendation – OIN 7249
- Memo – Excess Lands Recommendation – OIN 877, subject to a Flowage Easement
- Memo – Excess Lands Recommendation – OIN 8385, subject to a Flowage Easement



# Memorandum

TO: Robert Wilson & Michael Redlinger

FROM: Jodi A. Smith

DATE: April 17, 2024

RE: Excess Lands Recommendation – OINs 717Y and 9732Y

## 1. Introduction

The Metro Flood Diversion Authority (Authority) adopted the Policy on the Disposition and Management of Comprehensive Project Lands (Policy) in March 2021. Per the Policy Preamble, the Authority will periodically review its inventory of real property to determine if its land ownership exceeds its foreseeable needs for the Fargo-Moorhead Area Flood Diversion Project (Comprehensive Project). Land that is no longer needed, not expected to be needed in the future for the Comprehensive Project and declared “Excess Land” by the Co-Directors may be made available for sale, lease, or exchange in accordance with this Policy.

This Memorandum serves as a recommendation for the Co-Directors to declare OINs 717Y and 9732Y as Excess Land and begin the process to dispose of the property following the Policy.

## 2. Pertinent Facts Regarding OINs 717Y and 9732Y

Description of Parcel(s)	See Exhibit A for a map showing the parcel recommended as excess land.
Legal Description	See Exhibit B for legal description for the parcel recommended as excess land.
Asset Parcel(s) Size	OIN 717Y = 0.75 acres OIN 9732Y = 6.97 acres Combined = 7.72 acres

Narrative Description of Parcel(s)	OINs 717Y and 9732Y are located off of 32 <sup>nd</sup> Ave W in the Diversion Channel area associated with the project.
Purchase Date	March 25, 2021
Purchase Price	\$1,437,282 (full take for both parcels)
Proposed Sale Price	\$76,000 Based on a \$9,900 per acre rate, which matches the purchase price.
Former Owner	David Houkom
Adjacent Owners	OIN 720X2 – Steve and Lisa Loberg OIN 9733X – Maxine Nelson Trust Etal
Property Management Approach	OINs 717Y and 9732Y have been leased for farming through Pifer’s Land Management since 2021.
Rental Revenue	The following data is associated with the 2023 farmland lease. OIN 717Y – 0.75 acres @ \$150/acre = \$112.50 OIN 9732Y – 6.95 acres @ \$150/acre = \$1,042.50
Property Taxes	The 2023 property taxes were \$610.
Relation to Construction	The parent parcels were full-take acquisitions for the Diversion Channel portion of the Comprehensive Project. The remnant pieces of these larger parcels are outside of the work limits on the non-protected side of the SWDCAI and not needed for the construction or operation of the Comprehensive Project.
Right of First Refusal	The prior landowner is entitled to a ROFO on the property. This ROFO expires on March 25, 2026.

### 3. Conclusion and Recommendation

Based on the pertinent facts presented above, it is recommended to declare OINs 717Y and 9732Y as “Excess Land” and proceed with the process outlined in the Policy. If you agree with this recommendation, please sign the attached declaration form for our records (Exhibit C).

## Exhibit A: Map Exhibit of Parcel Recommended as Excess Lands





*Any reliance upon this map is at user's own risk. AE2S does not warrant the map or its features are either spatially or temporally accurate or fit for a particular use. All parcel acreages and legal descriptions shown hereon are based on County GIS data. Final acreages and legal descriptions to be determined by boundary survey.*  
 Coordinate System: NAD 1983 HARN Adj MN Clay Feet | Edited by: hrecords | C:\Data\Projects\GIS Projects\FM Area Diversion\012 Lands Program\Property Acquisition\Project Wide\Individual Property Maps - General Inquiry\ArcPro General Individual Layout.aprx | Not Data Driven Layout



Locator Map Not to Scale

**OINs: 717Y, 9732Y**  
**Owner: Cass County Joint Water Resource District**  
**PINs: 53-0000-09127-020, 53-0000-09128-002**

**Cass County, ND**

**FM AREA DIVERSION**  
 Map Date: 2/13/2024





## Exhibit B: Legal Description for Parcel Recommended as Excess Lands

### **OIN 717Y Legal Description:**

That part of the Southeast Quarter (SE1/4) of Section 24, Township 139 North, Range 50 West of the 5th Principal Meridian, Cass County, North Dakota, being further described as follows:

Commencing at the Southwest Corner of the SE1/4; thence N2°13'10"W on the west line of said SE1/4 a distance of 1,318.64 feet to the Northwest Corner of the Southwest Quarter of said Southeast Quarter (SW1/4SE1/4), said point being the Point of Beginning; thence continuing N2°13'10"W on said west line a distance of 465.17 feet; thence 483.42 feet on the arc of a non-tangential curve, concave to the west, having a radius of 6,800.00 feet, a central angle of 4°04'24", and a long chord length of 483.32 feet bearing S18°22'49"E to the north line of said SW1/4SE1/4; thence S87°22'39"W on said north line a distance of 134.53 feet to the Point of Beginning.

Said parcel contains 0.75 acres, more or less, and is subject to all prior easements, reservations, restrictions, and conveyances of record.

### **OIN 9732Y Legal Description:**

That part of the Southwest Quarter of the Southeast Quarter (SW1/4SE1/4) of Section 24, Township 139 North, Range 50 West of the 5th Principal Meridian, Cass County, ND, being further described as follows:

The Southwest Quarter of the Southeast Quarter (SW1/4SE1/4) of Section 24, excepting therefrom the following described parcel:

Beginning at the Southwest Corner of the SE1/4 of Section 24; thence N02°13'10"W on the west line of said SE1/4 a distance of 100.00 feet; thence N87°30'13"E parallel with, and 100 feet north of, the south line of said SE1/4 a distance of 325.76 feet; thence 1,234.63 feet on the arc of a non-tangential curve, concave to the west, having a radius of 6,800.00 feet, a central angle of 10°24'10", and long chord length of 1,232.94 feet bearing N11°08'32"W to the north line of the SW1/4SE1/4; thence N87°22'39"E on said north line a distance of 1,180.79 feet to the Northeast Corner of said SW1/4SE1/4; thence S02°04'21"E on the east line of said SW1/4SE1/4 a distance of 1,321.56 feet to the south line of said SE1/4; thence S87°30'13"W on said south line a distance of 1,311.91 feet to the Point of Beginning.

Said parcel contains 6.97 acres, more or less, and is subject to all prior easements, reservations, restrictions, and conveyances of record.

Exhibit C: Declaration of Excess Land Form

I hereby declare that \_\_\_\_\_ OINs 717Y and 9732Y as noted in Exhibit A \_\_\_\_\_ (the parcel) is deemed Excess Land and authorize the disposal of the parcel in accordance with the Policy on the Disposition and Management of Comprehensive Project Lands.



\_\_\_\_\_  
Robert Wilson  
Co-Director

04/17/2024  
\_\_\_\_\_

Date



\_\_\_\_\_  
Michael Redlinger  
Co-Director

04/17/2024  
\_\_\_\_\_

Date



# Memorandum

TO: Robert Wilson & Michael Redlinger

FROM: Jodi A. Smith

DATE: April 17, 2024

RE: Excess Lands Recommendation – OIN 7247

## 1. Introduction

The Metro Flood Diversion Authority (Authority) adopted the Policy on the Disposition and Management of Comprehensive Project Lands (Policy) in March 2021. Per the Policy Preamble, the Authority will periodically review its inventory of real property to determine if its land ownership exceeds its foreseeable needs for the Fargo-Moorhead Area Flood Diversion Project (Comprehensive Project). Land that is no longer needed, not expected to be needed in the future for the Comprehensive Project and declared “Excess Land” by the Co-Directors may be made available for sale, lease, or exchange in accordance with this Policy.

This Memorandum serves as a recommendation for the Co-Directors to declare OIN 7247 as Excess Land and begin the process to dispose of the property following the Policy.

## 2. Pertinent Facts Regarding OIN 7247

Description of Parcel(s)	<p>See Exhibit A for a map showing the parcel recommended as excess land.</p> <p>Note that the recommendation is for the former railroad property south of Liberty Lane, which includes approximately 0.17 acres of the southern part of OIN 7234.</p>
Legal Description	<p>See Exhibit B for legal description for the parcel recommended as excess land.</p> <p>Note that the legal description does not include the 0.17 acres of OIN 7234 that are south of Liberty Lane</p>



Asset Parcel(s) Size	OIN 7247 – 2.46 acres
Narrative Description of Parcel(s)	OIN 7247 is located off of 100 <sup>th</sup> Ave S and County Road 17 within Horace, near the Diversion Channel area associated with the project. This parcel was previously owned and maintained by BNSF.
Purchase Date	December 19, 2023
Purchase Price	\$275,316
Proposed Sale Price	\$53,579  Based on \$0.50 per square foot.
Former Owner	BNSF
Adjacent Owners	Multiple. See Exhibit C
Property Management Approach	This parcel has been maintained through a weed control and mowing contract with JT Lawn Services.
Property Taxes	The 2023 property taxes were \$0.
Relation to Construction	This parcel is located just east of the Diversion Channel and is not impacted by construction of the Comprehensive Project. This rail corridor was purchased from BNSF to alleviate the need to raise the rail line that crosses the Diversion Channel. Instead, it was decided that the entire corridor be taken out of operation.
Right of First Refusal	The prior landowner is not entitled to a ROFO.

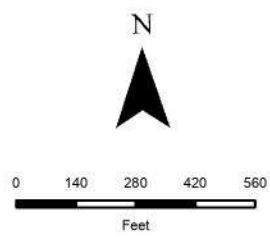
### 3. Conclusion and Recommendation

Based on the pertinent facts presented above, it is recommended to declare OIN 7247 as “Excess Land” and proceed with the process outlined in the Policy. If you agree with this recommendation, please sign the attached declaration form for our records (Exhibit D).

## Exhibit A: Map Exhibit of Parcel Recommended as Excess Lands



*Any reliance upon this map is at user's own risk. AE2S does not warrant the map or its features are either spatially or temporally accurate or fit for a particular use. All parcel acreages and legal descriptions shown hereon are based on County GIS data. Final acreages and legal descriptions to be determined by boundary survey.*  
 Coordinate System: NAD 1983 HARN Adj MN Clay Feet | Edited by: cwickenheiser | C:\Data\Projects\GIS Projects\FM Area Diversion\012 Lands Program\Property Acquisition\Project Wide\Individual Property Maps - General Inquiry\ArcPro General Individual Layout.aprx | Not Data Driven Layout



Locator Map Not to Scale

**OIN: 7247**  
**CASS COUNTY JOINT WATER RESOURCE DISTRICT**  
**Parcel ID: 15-0000-12900-030, 15-0000-12900-060**  
**Cass County, ND**

**FM AREA DIVERSION**  
 Map Date: 4/9/2024



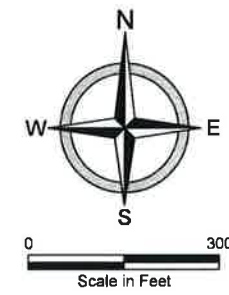
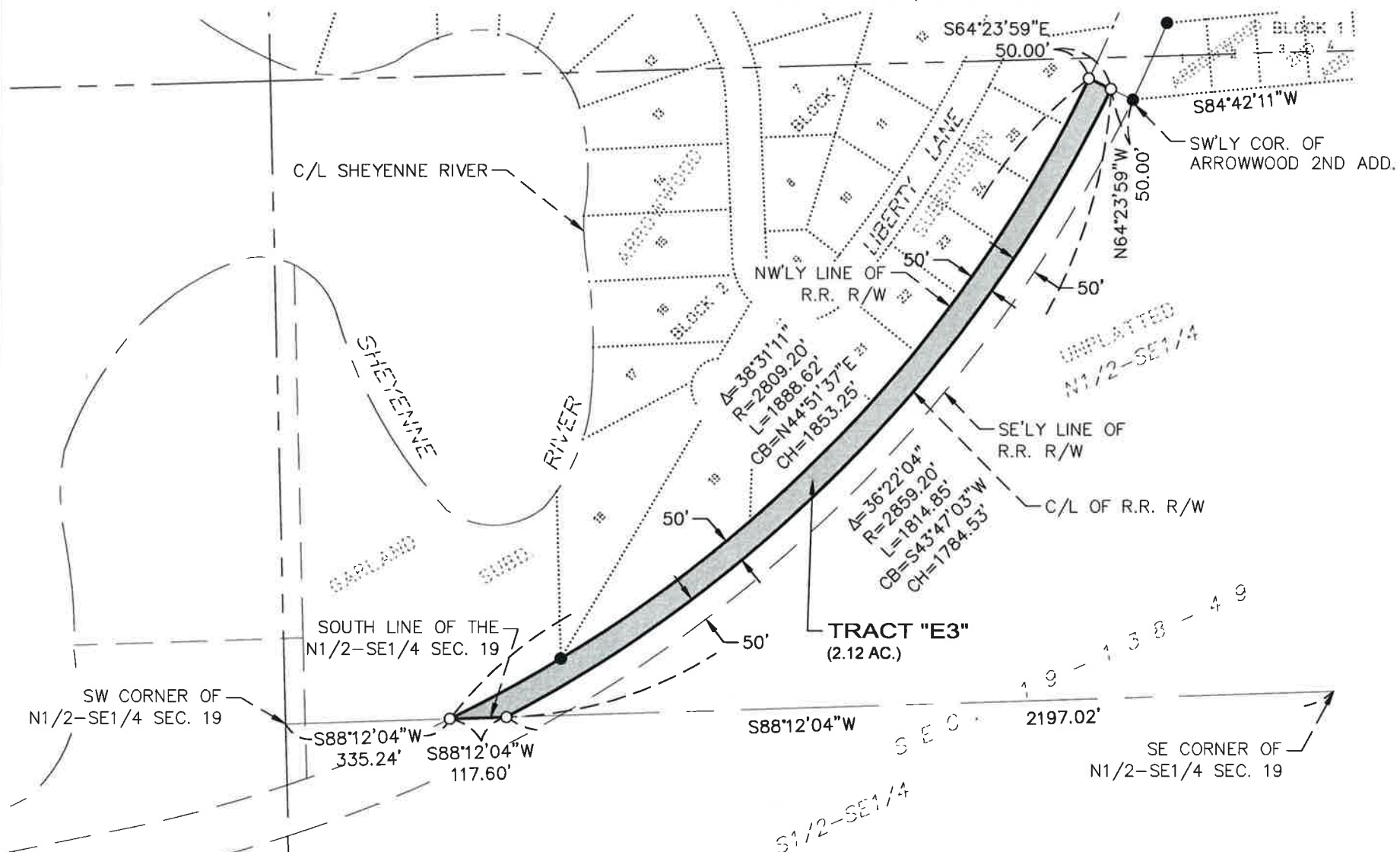
## Exhibit B: Legal Description for Parcel Recommended as Excess Lands

The legal description can be found in the attached Certificate of Survey.



# CERTIFICATE OF SURVEY

PART OF THE N1/2-SE1/4 OF SEC. 19, T.138N., R.49W., 5TH P.M.  
CASS COUNTY, NORTH DAKOTA



BASIS OF BEARINGS:  
THE SOUTH LINE OF  
ARROWWOOD 2ND ADD.  
HAS AN ASSIGNED BEARING  
OF S84°42'11"W

**LEGEND**

- IRON MONUMENT FOUND
- SET 5/8"x18" REBAR WITH BLUE PLASTIC CAP #6153



**NOTES**

1. BEARINGS AND DISTANCES SHOWN HEREON MAY VARY FROM PREVIOUS RECORDS DUE TO DIFFERENT MEASUREMENT METHODS.
2. ADJACENT PARCELS ARE SHOWN FOR REFERENCE ONLY AND MAY NOT REFLECT CURRENT OR COMPLETE OWNERSHIP LINES.

SHEET 1 OF 2

**Certificate of Survey**

Part of the N1/2 of the SE1/4 of Section 19, T.138N., R.49W.  
Cass County, North Dakota

PROJECT No.	21990
DATE:	12.15.23
REVISED:	-
DRAFTER:	LFB
REVIEWER:	CDH



# CERTIFICATE OF SURVEY

PART OF THE N1/2-SE1/4 OF SEC. 19, T.138N., R.49W., 5TH P.M.  
CASS COUNTY, NORTH DAKOTA

## DESCRIPTION

That part of the North Half of the Southeast Quarter of Section 19, Township 138 North, Range 49 West of the Fifth Principal Meridian, Cass County, North Dakota, described as follows:

Commencing at the southwesterly corner of ARROWWOOD 2ND ADDITION, according to the recorded plat thereof, from which the south line of said ARROWWOOD 2ND ADDITION has an assigned bearing of North 84 degrees 42 minutes 11 seconds East, said point also being on the southeasterly right-of-way line of the Red River Valley & Western Railroad; thence North 64 degrees 23 minutes 59 seconds West on a line radial to said southeasterly right-of-way a distance of 50.00 feet to the centerline of said right-of-way, the point of beginning; thence southwesterly 1,814.85 feet along said centerline, and along a non-tangential curve, concave northwesterly, having a radius of 2,859.20 feet and a central angle of 36 degrees 22 minutes 04 seconds, the chord of said curve bears South 43 degrees 47 minutes 03 seconds West with a chord length of 1,784.53 feet to the south line of said North Half of the Southeast Quarter; thence South 88 degrees 12 minutes 04 seconds West along the south line of said North Half of the Southeast Quarter a distance of 117.60 feet to the northwesterly right-of-way line of said railroad; thence northeasterly 1,888.62 feet along said northwesterly right-of-way line, and along a non-tangential curve, concave northwesterly, having a radius of 2,809.20 feet and a central angle of 38 degrees 31 minutes 11 seconds, the chord of said curve bears North 44 degrees 51 minutes 37 seconds East with a chord length of 1,853.25 feet to a point on said radial line; thence South 64 degrees 23 minutes 59 seconds East along said radial line a distance of 50.00 feet to the point of beginning.

The above-described tract contains 2.12 acres, and is subject to all easements, restrictions, reservations, and rights-of-way recorded and unrecorded.

## CERTIFICATION

I hereby certify that this survey, plan, or report was prepared by me or under my direct supervision and that I am a duly Registered Land Surveyor under the laws of the State of North Dakota.



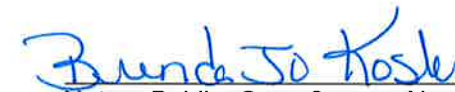
Aaron Skattum, R.L.S.  
N.D. License No. LS-6153



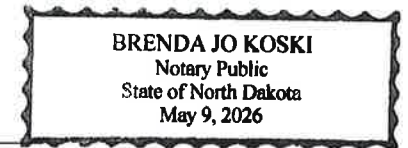
Date: December 18, 2023

State of North Dakota  
County of Cass

On this 18<sup>th</sup> day of December, 2023, before me, a Notary Public in and for said county and state, personally appeared Aaron Skattum, Registered Land Surveyor, known to me to be the person described in and who executed the foregoing certificate and acknowledged to me that he executed the same as his free act and deed.



Notary Public, Cass County, North Dakota



SHEET 2 OF 2

### Certificate of Survey

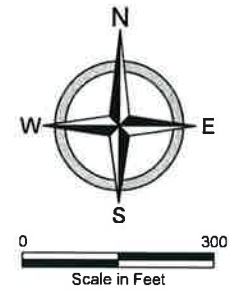
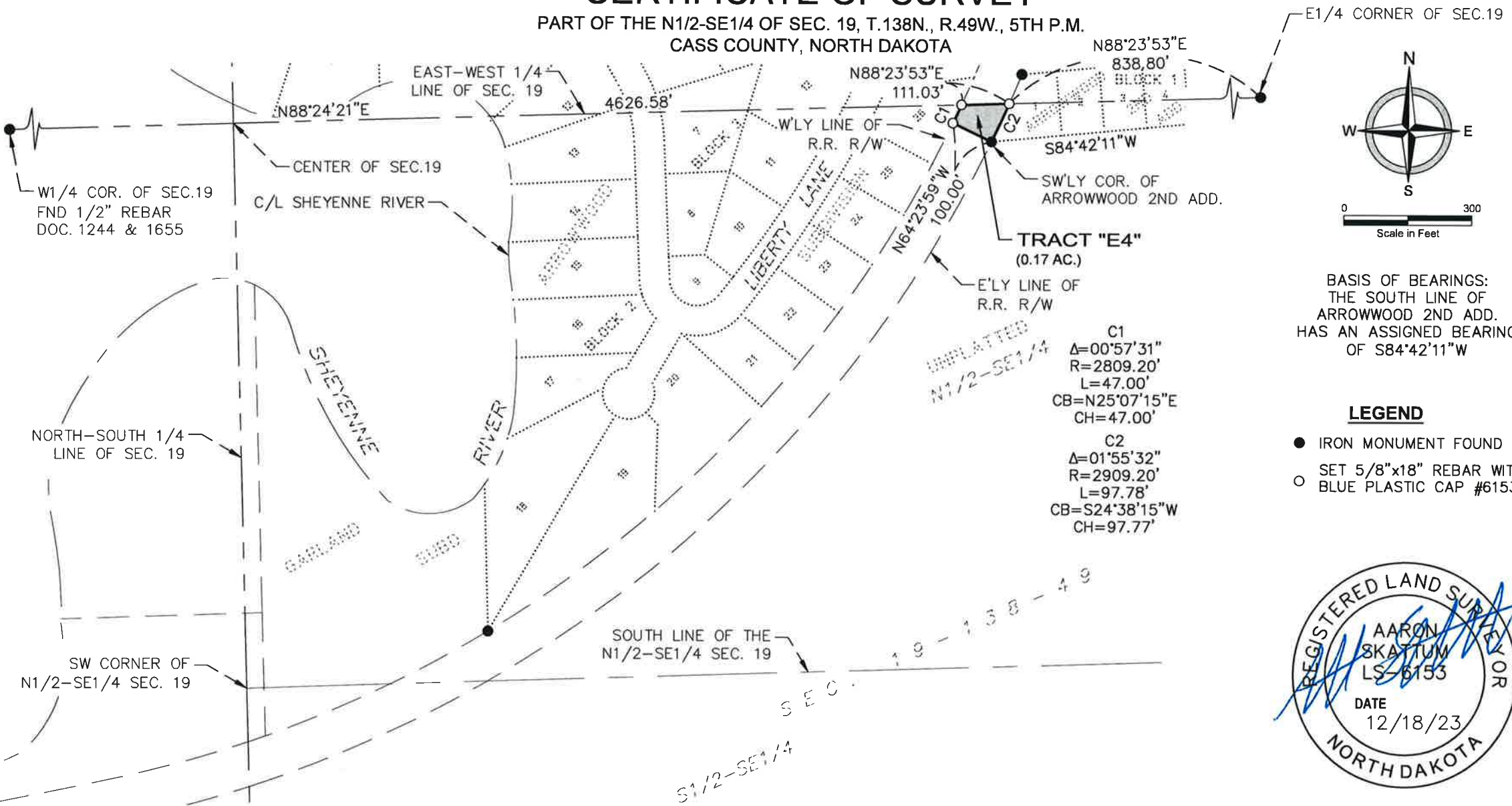
Part of the N1/2 of the SE1/4 of Section 19, T.138N., R.49W.  
Cass County, North Dakota

PROJECT No.	21990
DATE:	12.15.23
REVISED:	--
DRAFTER:	LFB
REVIEWER:	CDH



# CERTIFICATE OF SURVEY

PART OF THE N1/2-SE1/4 OF SEC. 19, T.138N., R.49W., 5TH P.M.  
CASS COUNTY, NORTH DAKOTA



BASIS OF BEARINGS:  
THE SOUTH LINE OF  
ARROWWOOD 2ND ADD.  
HAS AN ASSIGNED BEARING  
OF S84°42'11\"W

**LEGEND**

- IRON MONUMENT FOUND
- SET 5/8"x18" REBAR WITH BLUE PLASTIC CAP #6153

**C1**  
 $\Delta=00^{\circ}57'31''$   
 $R=2809.20'$   
 $L=47.00'$   
 $CB=N25^{\circ}07'15''E$   
 $CH=47.00'$

**C2**  
 $\Delta=01^{\circ}55'32''$   
 $R=2909.20'$   
 $L=97.78'$   
 $CB=S24^{\circ}38'15''W$   
 $CH=97.77'$



**NOTES**

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SHEET 1 OF 2

**Certificate of Survey**

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Cass County, North Dakota

PROJECT No.	21990
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# CERTIFICATE OF SURVEY

PART OF THE N1/2-SE1/4 OF SEC. 19, T.138N., R.49W., 5TH P.M.  
CASS COUNTY, NORTH DAKOTA

## DESCRIPTION

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Beginning at the southwesterly corner of ARROWWOOD 2ND ADDITION, according to the recorded plat thereof, from which the south line of said ARROWWOOD 2ND ADDITION has an assigned bearing of North 84 degrees 42 minutes 11 seconds East, said point also being on the easterly right-of-way line of the Red River Valley & Western Railroad; thence North 64 degrees 23 minutes 59 seconds West along a line radial to said southeasterly right-of-way a distance of 100.00 feet to the westerly right-of-way line of said railroad; thence northerly 47.00 feet along said westerly right-of-way line, and along a non-tangential curve, concave westerly, having a radius of 2,809.20 feet and a central angle of 00 degrees 57 minutes 31 seconds, the chord of said curve bears North 25 degrees 07 minutes 15 seconds East with a chord length of 47.00 feet to the north line of said North Half of the Southeast Quarter; thence North 88 degrees 23 minutes 53 seconds East along the north line of said North Half of the Southeast Quarter a distance of 111.03 feet to the easterly right-of-way line of said railroad; thence southerly 97.78 feet along said easterly right-of-way line, and along a non-tangential curve, concave westerly, having a radius of 2,909.20 feet and a central angle of 01 degree 55 minutes 32 seconds, the chord of said curve bears South 24 degrees 38 minutes 15 seconds West with a chord length of 97.77 feet to the point of beginning.

The above-described tract contains 0.17 acres, and is subject to all easements, restrictions, reservations, and rights-of-way recorded and unrecorded.

## CERTIFICATION

I hereby certify that this survey, plan, or report was prepared by me or under my direct supervision and that I am a duly Registered Land Surveyor under the laws of the State of North Dakota.

Aaron Skattum, R.L.S.  
N.D. License No. LS-6153

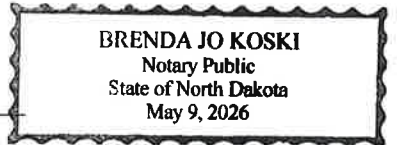


Date: December 18, 2023

State of North Dakota  
County of Cass

On this 18<sup>th</sup> day of December, 2023, before me, a Notary Public in and for said county and state, personally appeared Aaron Skattum, Registered Land Surveyor, known to me to be the person described in and who executed the foregoing certificate and acknowledged to me that he executed the same as his free act and deed.

Notary Public, Cass County, North Dakota



### Certificate of Survey



Part of the N1/2 of the SE1/4 of Section 19, T.138N., R.49W.  
Cass County, North Dakota

PROJECT No. 21990  
DATE: 12.15.23  
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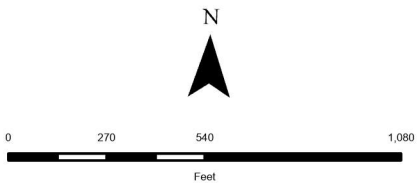


## Exhibit C: Adjacent Owners for Parcel Recommended as Excess Lands

-  CCJWRD Owned Former Railroad Parcel
-  Adjacent Parcels/Owners



Any reliance upon this map is at user's own risk. AE2S does not warrant the map or its features are either spatially or temporally accurate or fit for a particular use.  
 All parcel acreages and legal descriptions shown hereon are based on County GIS data. Final acreages and legal descriptions to be determined by boundary survey.  
 Coordinate System: NAD 1983 StatePlane North Dakota South FIPS 3302 Feet | Edited by: cwickenheiser | C:\Data\Projects\GIS Projects\FM Area Diversion\012 Lands Program\Property Acquisition\DCA\Horace Railroad\HoraceRailroad.aprx | Horace Railroad\_AdjacentOwners\_OINs



## Railroad Corridor near Horace, ND Adjacent Owners OIN 7247

FM AREA DIVERSION  
 Map Date: 4/9/2024



Exhibit D: Declaration of Excess Land Form

I hereby declare that OIN 7247 as noted in Exhibit A (the parcel) is deemed Excess Land and authorize the disposal of the parcel in accordance with the Policy on the Disposition and Management of Comprehensive Project Lands.

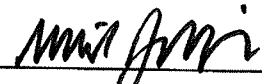


---

Robert Wilson  
Co-Director

04/17/2024

Date



---

Michael Redlinger  
Co-Director

04/17/2024

Date



# Memorandum

TO: Robert Wilson & Michael Redlinger

FROM: Jodi A. Smith

DATE: April 17, 2024

RE: Excess Lands Recommendation – OIN 7248

## 1. Introduction

The Metro Flood Diversion Authority (Authority) adopted the Policy on the Disposition and Management of Comprehensive Project Lands (Policy) in March 2021. Per the Policy Preamble, the Authority will periodically review its inventory of real property to determine if its land ownership exceeds its foreseeable needs for the Fargo-Moorhead Area Flood Diversion Project (Comprehensive Project). Land that is no longer needed, not expected to be needed in the future for the Comprehensive Project and declared “Excess Land” by the Co-Directors may be made available for sale, lease, or exchange in accordance with this Policy.

This Memorandum serves as a recommendation for the Co-Directors to declare OIN 7248 as Excess Land and begin the process to dispose of the property following the Policy.

## 2. Pertinent Facts Regarding OIN 7248

Description of Parcel(s)	See Exhibit A for a map showing the parcel recommended as excess land.
Legal Description	See Exhibit B for legal description for the parcel recommended as excess land.
Asset Parcel(s) Size	OIN 7248 – 1.03 acres

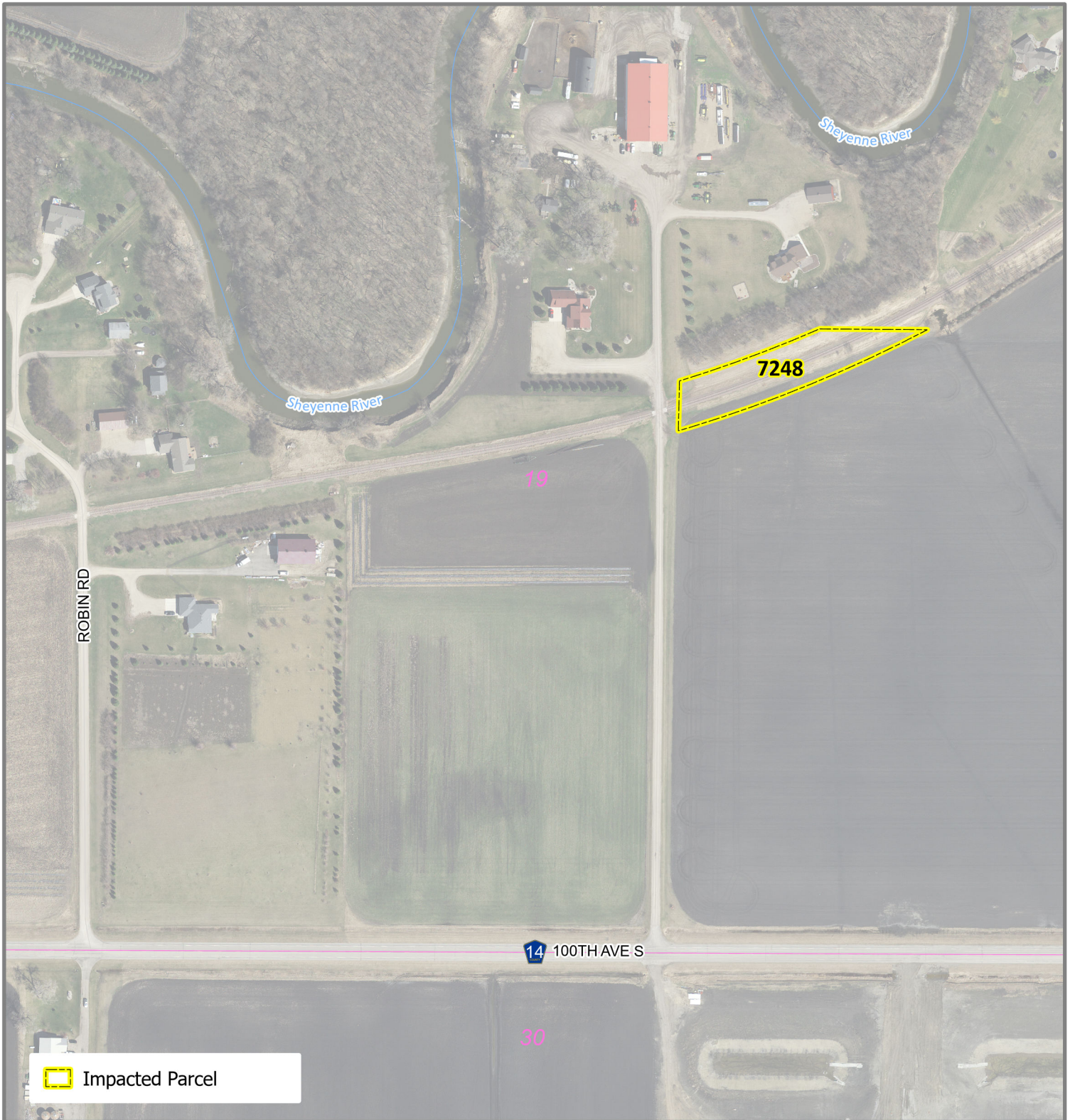
Narrative Description of Parcel(s)	OIN 7248 is located off of 100 <sup>th</sup> Ave S and County Road 17 within Horace, near the Diversion Channel area associated with the project. This parcel was previously owned and maintained by BNSF.
Purchase Date	December 19, 2023
Purchase Price	\$30,958
Proposed Sale Price	\$22,433 Based on \$0.50 per square foot.
Former Owner	BNSF
Adjacent Owners	Multiple. See Exhibit C
Property Management Approach	This parcel has been maintained through a weed control and mowing contract with JT Lawn Services.
Property Taxes	The 2023 property taxes were \$0.
Relation to Construction	This parcel is located just east of the Diversion Channel and is not impacted by construction of the Comprehensive Project. This rail corridor was purchased from BNSF to alleviate the need to raise the rail line that crosses the Diversion Channel. Instead, it was decided that the entire corridor be taken out of operation.
Right of First Refusal	The prior landowner is not entitled to a ROFO.

### 3. Conclusion and Recommendation

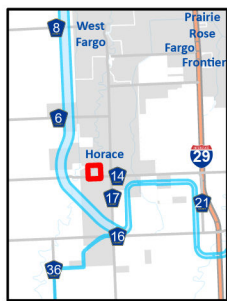
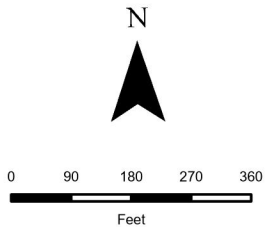
Based on the pertinent facts presented above, it is recommended to declare OIN 7248 as “Excess Land” and proceed with the process outlined in the Policy. If you agree with this recommendation, please sign the attached declaration form for our records (Exhibit D).

## Exhibit A: Map Exhibit of Parcel Recommended as Excess Lands





*Any reliance upon this map is at user's own risk. AE2S does not warrant the map or its features are either spatially or temporally accurate or fit for a particular use. All parcel acreages and legal descriptions shown hereon are based on County GIS data. Final acreages and legal descriptions to be determined by boundary survey.*  
 Coordinate System: NAD 1983 HARN Adj MN Clay Feet | Edited by: cwickenheiser | C:\Data\Projects\GIS Projects\FM Area Diversion\012 Lands Program\Property Acquisition\Project Wide\Individual Property Maps - General Inquiry\ArcPro General Individual Layout.aprx | Not Data Driven Layout



Locator Map Not to Scale

**OIN: 7248**  
**CASS COUNTY JOINT WATER RESOURCE DISTRICT**  
**Parcel ID: 15000012900010**  
**Cass County, ND**

**FM AREA DIVERSION**  
 Map Date: 3/12/2024



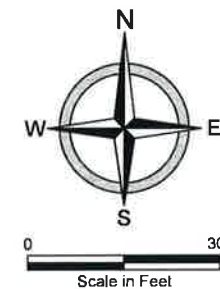
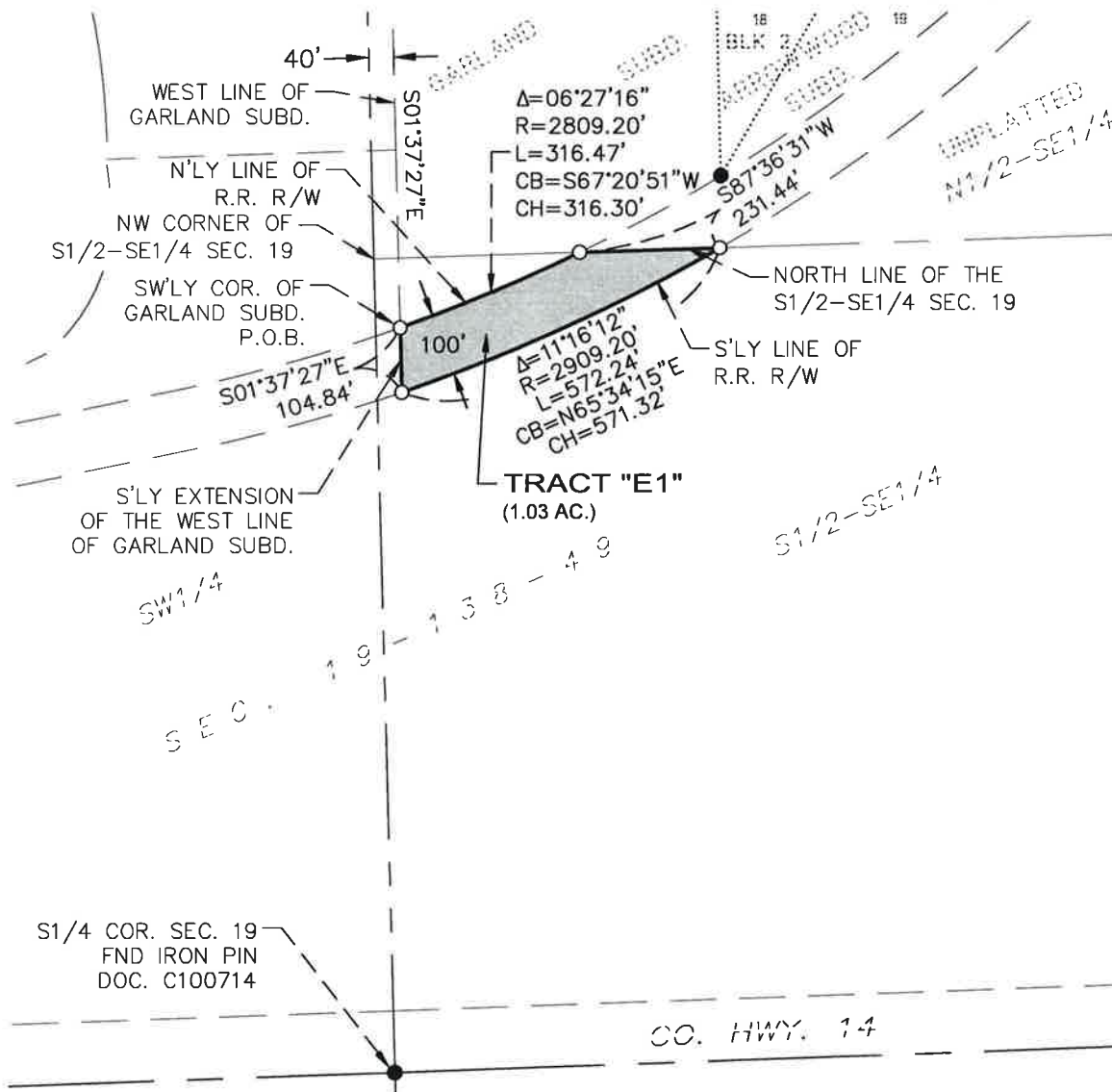
## Exhibit B: Legal Description for Parcel Recommended as Excess Lands

The legal description can be found in the attached Certificate of Survey.



# CERTIFICATE OF SURVEY

PART OF THE S1/2-SE1/4 OF SEC. 19, T.138N., R.49W., 5TH P.M.  
CASS COUNTY, NORTH DAKOTA



BASIS OF BEARINGS:  
THE SOUTH EXTENSION OF THE WEST LINE OF GARLAND SUBDIVISION IN SECTION 19 HAS AN ASSIGNED BEARING OF S01°37'27\"/>

**LEGEND**

- IRON MONUMENT FOUND
- SET 5/8"x18" REBAR WITH BLUE PLASTIC CAP #6153



**NOTES**

1. BEARINGS AND DISTANCES SHOWN HEREON MAY VARY FROM PREVIOUS RECORDS DUE TO DIFFERENT MEASUREMENT METHODS.
2. ADJACENT PARCELS ARE SHOWN FOR REFERENCE ONLY AND MAY NOT REFLECT CURRENT OR COMPLETE OWNERSHIP LINES.

SHEET 1 OF 2

**Certificate of Survey**

Part of the S1/2 of the SE1/4 of Section 19, T.138N., R.49W.  
Cass County, North Dakota

PROJECT No.	21990
DATE:	12.15.23
REVISED:	--
DRAFTER:	LFB
REVIEWER:	CDH



# CERTIFICATE OF SURVEY

PART OF THE S1/2-SE1/4 OF SEC. 19, T.138N., R.49W., 5TH P.M.  
CASS COUNTY, NORTH DAKOTA

## DESCRIPTION

That part of the South Half of the Southeast Quarter of Section 19, Township 138 North, Range 49 West of the Fifth Principal Meridian, Cass County, North Dakota, described as follows:

Beginning at the southwesterly corner of GARLAND SUBDIVISION, according to the recorded plat thereof, from which the westerly line of said GARLAND SUBDIVISION has an assigned bearing of North 01 degree 37 minutes 27 seconds West, said point also being on the northerly right-of-way line of the Red River Valley & Western Railroad; thence South 01 degree 37 minutes 27 seconds East along the southerly extension of the west line of said GARLAND SUBDIVISION a distance of 104.84 feet to a point on the southerly right-of-way line of the Red River Valley and Western Railroad; thence easterly 572.24 feet along said southerly right-of-way, and along a non-tangential curve concave northerly, having a radius of 2,909.20 feet and a central angle of 11 degrees 16 minutes 12 seconds, the chord of said curve bears North 65 degrees 34 minutes 15 seconds East with a chord length of 571.32 feet to the north line of the South Half of the Southeast Quarter of said Section 19; thence South 87 degrees 36 minutes 31 seconds West along the north line of said South Half of the Southeast Quarter a distance of 231.44 feet to the northerly right-of-way line of the Red River Valley and Western Railroad; thence westerly 316.47 feet along the said northerly right-of-way line, and along a non-tangential curve concave northerly, having a radius of 2,809.20 feet and a central angle of 06 degrees 27 minutes 16 seconds, the chord of said curve bears South 67 degrees 20 minutes 51 seconds West with a chord length of 316.30 feet to the point of beginning.

The above-described tract contains 1.03 acres, and is subject to all easements, restrictions, reservations, and rights-of-way recorded and unrecorded.

## CERTIFICATION

I hereby certify that this survey, plan, or report was prepared by me or under my direct supervision and that I am a duly Registered Land Surveyor under the laws of the State of North Dakota.



Aaron Skattum, R.L.S.  
N.D. License No. LS-6153



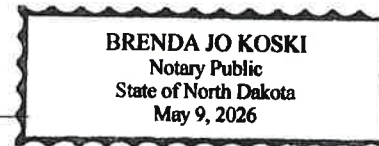
Date: December 18, 2023

State of North Dakota  
County of Cass

On this 18<sup>th</sup> day of December, 2023, before me, a Notary Public in and for said county and state, personally appeared Aaron Skattum, Registered Land Surveyor, known to me to be the person described in and who executed the foregoing certificate and acknowledged to me that he executed the same as his free act and deed.



Notary Public, Cass County, North Dakota



SHEET 2 OF 2

### Certificate of Survey



Part of the S1/2 of the SE1/4 of Section 19, T.138N., R.49W.  
Cass County, North Dakota

PROJECT No. 21990  
DATE: 12.15.23  
REVISED: -  
DRAFTER: LFB  
REVIEWER: CDH



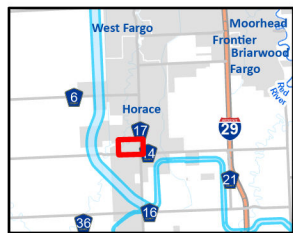
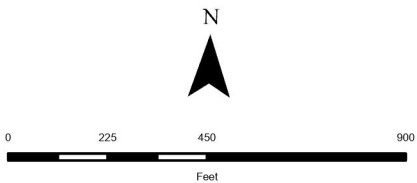
## Exhibit C: Adjacent Owners for Parcel Recommended as Excess Lands



-  CCJWRD Owned Former Railroad Parcel
-  Adjacent Parcels/Owners



Any reliance upon this map is at user's own risk. AE2S does not warrant the map or its features are either spatially or temporally accurate or fit for a particular use.  
 All parcel acreages and legal descriptions shown hereon are based on County GIS data. Final acreages and legal descriptions to be determined by boundary survey.  
 Coordinate System: NAD 1983 StatePlane North Dakota South FIPS 3302 Feet | Edited by: cwickenheiser | C:\Data\Projects\GIS Projects\FM Area Diversion\012 Lands Program\Property Acquisition\DCA\Horace Railroad\HoraceRailroad.aprx | Horace Railroad\_AdjacentOwners\_OINs



Locator Map Not to Scale

## Railroad Corridor near Horace, ND

### Adjacent Owners

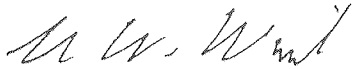
#### OIN 7248

FM AREA DIVERSION  
 Map Date: 3/14/2024



Exhibit D: Declaration of Excess Land Form

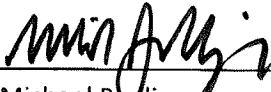
I hereby declare that           OIN 7248 as noted in Exhibit A           (the parcel) is deemed Excess Land and authorize the disposal of the parcel in accordance with the Policy on the Disposition and Management of Comprehensive Project Lands.



\_\_\_\_\_  
Robert Wilson  
Co-Director

04/17/2024

\_\_\_\_\_  
Date



\_\_\_\_\_  
Michael Redlinger  
Co-Director

04/17/2024

\_\_\_\_\_  
Date



# Memorandum

TO: Robert Wilson & Michael Redlinger

FROM: Jodi A. Smith

DATE: April 17, 2024

RE: Excess Lands Recommendation – OIN 7249

## 1. Introduction

The Metro Flood Diversion Authority (Authority) adopted the Policy on the Disposition and Management of Comprehensive Project Lands (Policy) in March 2021. Per the Policy Preamble, the Authority will periodically review its inventory of real property to determine if its land ownership exceeds its foreseeable needs for the Fargo-Moorhead Area Flood Diversion Project (Comprehensive Project). Land that is no longer needed, not expected to be needed in the future for the Comprehensive Project and declared “Excess Land” by the Co-Directors may be made available for sale, lease, or exchange in accordance with this Policy.

This Memorandum serves as a recommendation for the Co-Directors to declare OIN 7249 as Excess Land and begin the process to dispose of the property following the Policy.

## 2. Pertinent Facts Regarding OIN 7249

Description of Parcel(s)	See Exhibit A for a map showing the parcel recommended as excess land.
Legal Description	See Exhibit B for legal description for the parcel recommended as excess land.
Asset Parcel(s) Size	OIN 7249 – 3.90 acres

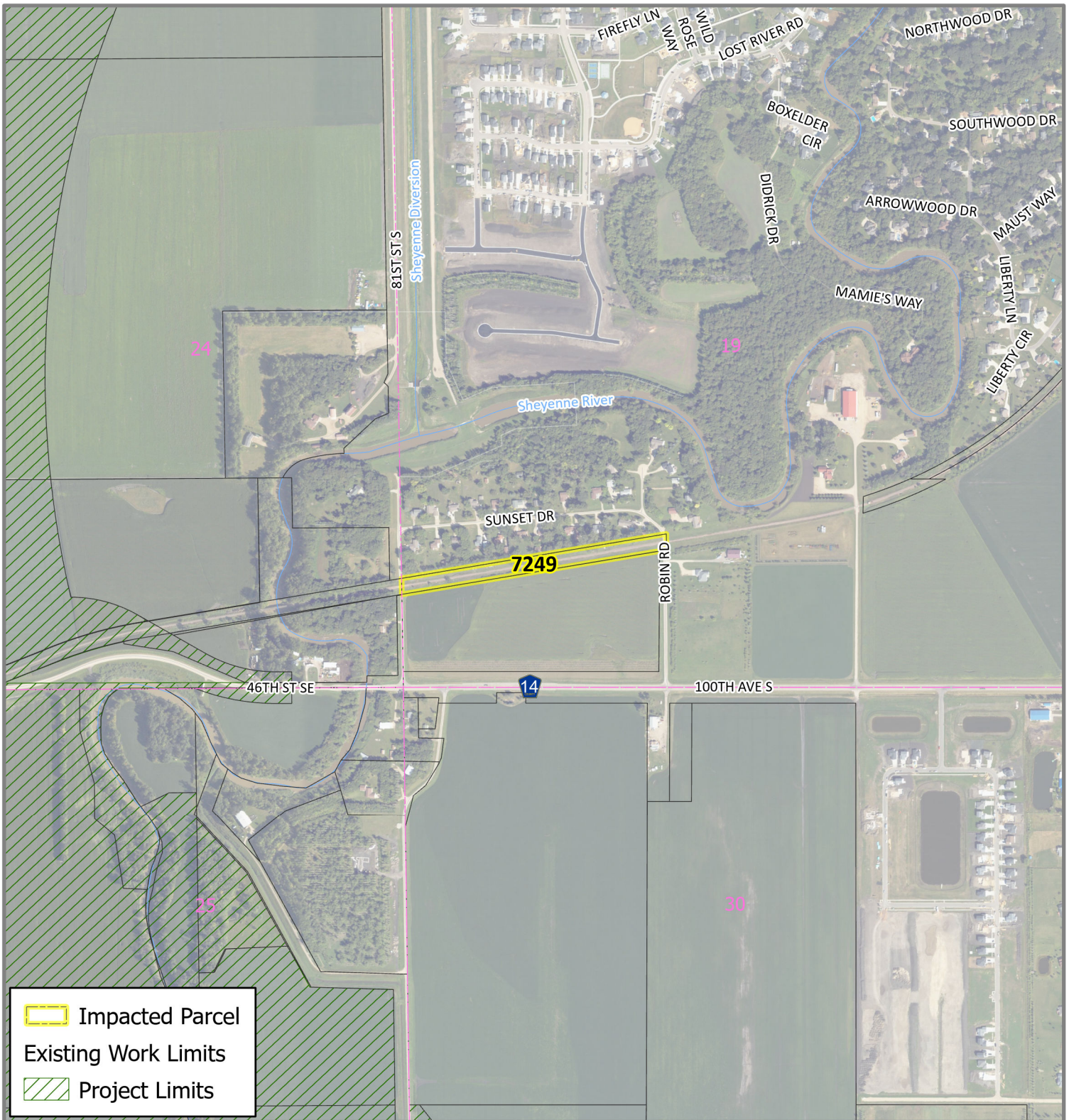
Narrative Description of Parcel(s)	OIN 7249 is located off of 100 <sup>th</sup> Ave S and County Road 17 within Horace, near the Diversion Channel area associated with the project. These parcels are previously owned and maintained by BNSF.
Purchase Date	December 19, 2023
Purchase Price	\$293,050
Proposed Sale Price	\$84,942 Based on \$0.50 per square foot.
Former Owner	BNSF
Adjacent Owners	Multiple. See Exhibit C
Property Management Approach	This parcel has been maintained through a weed control and mowing contract with JT Lawn Services.
Property Taxes	The 2023 property taxes were \$0.
Relation to Construction	This parcel is located just east of the Diversion Channel and is not impacted by construction of the Comprehensive Project. This rail corridor was purchased from BNSF to alleviate the need to raise the rail line that crosses the Diversion Channel. Instead, it was decided that the entire corridor be taken out of operation.
Right of First Refusal	The prior landowner is not entitled to a ROFO.

### 3. Conclusion and Recommendation

Based on the pertinent facts presented above, it is recommended to declare OIN 7249 as “Excess Land” and proceed with the process outlined in the Policy. If you agree with this recommendation, please sign the attached declaration form for our records (Exhibit D).

## Exhibit A: Map Exhibit of Parcel Recommended as Excess Lands





**7249**

**19**

**24**

**25**

**30**

81ST ST S

Sheyenne Diversion

SUNSET DR

ROBIN RD

46TH ST SE

100TH AVE S

14

LIBERTY LN

LIBERTY CIR

MAMIE'S WAY

ARROWWOOD DR

BOXELDER CIR

DIDRICK DR

WILD ROSE WY

FIREFLY LN

LOST RIVER RD

NORTHWOOD DR

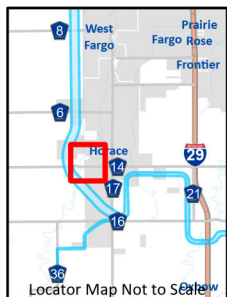
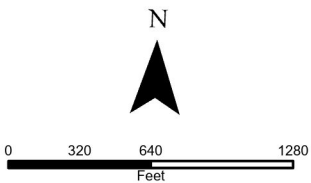
SOUTHWOOD DR

MAUST WAY

Sheyenne River

Impacted Parcel  
 Existing Work Limits  
 Project Limits

Any reliance upon this map is at user's own risk. AE2S does not warrant the map or its features are either spatially or temporally accurate or fit for a particular use. All parcel acreages and legal descriptions shown hereon are based on County GIS data. Final acreages and legal descriptions to be determined by boundary survey. Coordinate System: NAD 1983 StatePlane North Dakota South FIPS 3302 Feet | Edited by: cwickenheiser | C:\Data\Projects\GIS Projects\FM Area Diversion\012 Lands Program\Property Acquisition\Project Wide\Individual Property Maps - General Inquiry\ArcPro General Individual Layout.aprx | IndividualLayout



**OIN: 7249**  
**CASS COUNTY JOINT WATER RESOURCE DISTRICT**  
**Parcel ID: 15000012900010**  
**Cass County, ND**

FM AREA DIVERSION  
 Map Date: 3/12/2024



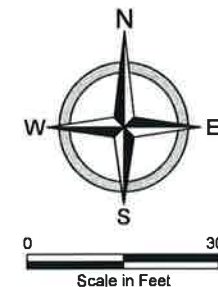
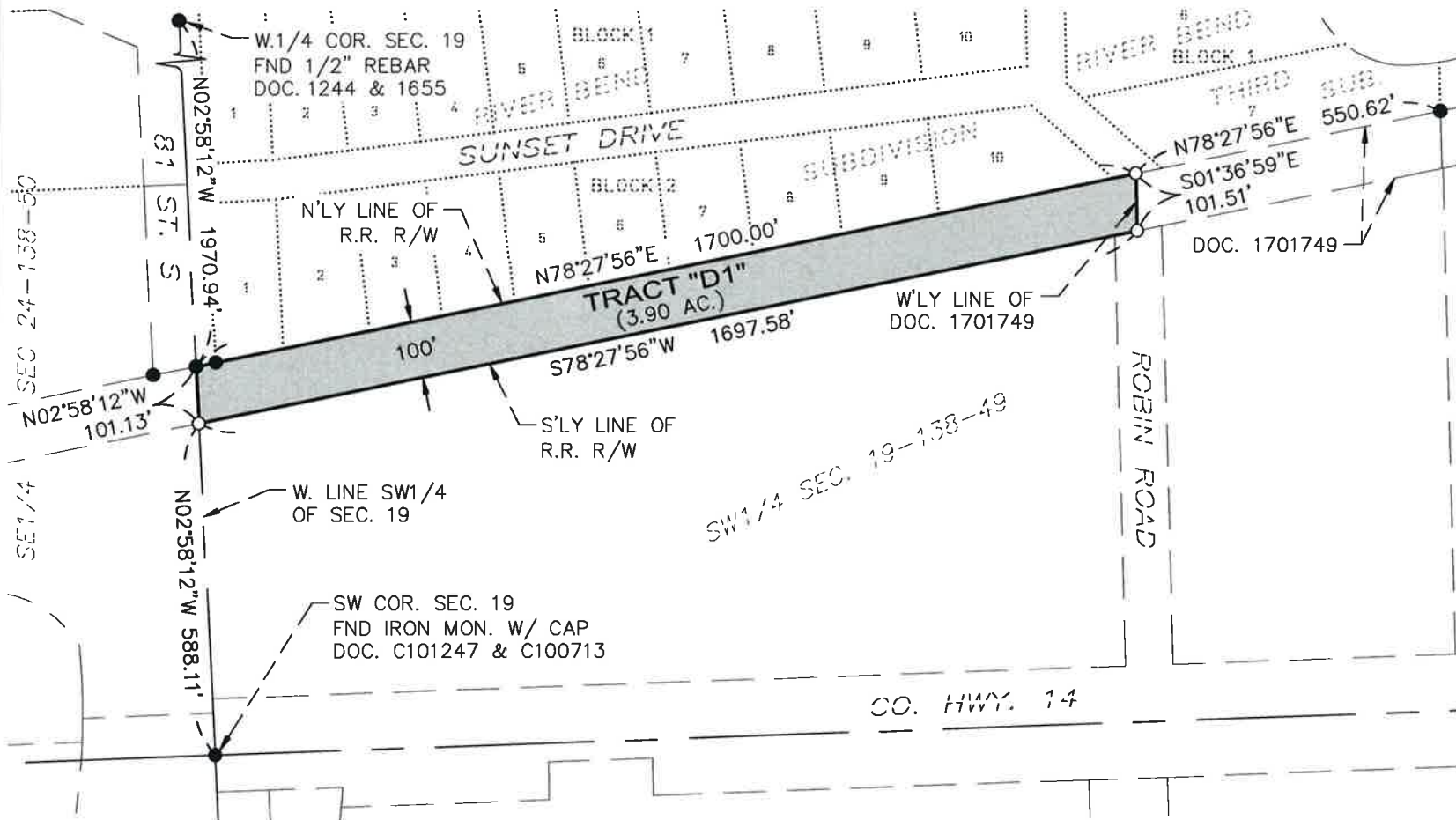
## Exhibit B: Legal Description for Parcel Recommended as Excess Lands

The legal description can be found in the attached Certificate of Survey.



# CERTIFICATE OF SURVEY

PART OF THE S1/2-SW1/4 OF SEC. 19, T.138N., R.49W., 5TH P.M.  
CASS COUNTY, NORTH DAKOTA



BASIS OF BEARINGS:  
THE WEST LINE OF THE  
SW1/4 OF SECTION 19  
HAS AN ASSIGNED BEARING  
OF N02°58'12\"/>

**LEGEND**

- IRON MONUMENT FOUND
- SET 5/8"x18" REBAR WITH BLUE PLASTIC CAP #6153



**NOTES**

1. BEARINGS AND DISTANCES SHOWN HEREON MAY VARY FROM PREVIOUS RECORDS DUE TO DIFFERENT MEASUREMENT METHODS.
2. ADJACENT PARCELS ARE SHOWN FOR REFERENCE ONLY AND MAY NOT REFLECT CURRENT OR COMPLETE OWNERSHIP LINES.

SHEET 1 OF 2

**Certificate of Survey**

Part of the S1/2 of the SW1/4 of Section 19, T.138N., R.49W.  
Cass County, North Dakota

PROJECT No.	21990
DATE	12.14.23
REVISED	--
DRAFTER	LFB
REVIEWER	CDH



# CERTIFICATE OF SURVEY

PART OF THE S1/2-SW1/4 OF SEC. 19, T.138N., R.49W., 5TH P.M.  
CASS COUNTY, NORTH DAKOTA

## DESCRIPTION

That part of the South Half of the Southwest Quarter of Section 19, Township 138 North, Range 49 West of the Fifth Principal Meridian, Cass County, North Dakota, described as follows:

Commencing at the southwest corner of said Southwest Quarter; thence North 02 degrees 58 minutes 12 seconds West on an assigned bearing along the west line of said Southwest Quarter, a distance of 588.11 feet to the southerly right-of-way line of the Red River Valley and Western Railroad, the point of beginning; thence continuing North 02 degrees 58 minutes 12 seconds West along the west line of said Southwest Quarter a distance of 101.13 feet to the northerly right-of-way line of said Red River Valley and Western Railroad; thence North 78 degrees 27 minutes 56 seconds East along said northerly right-of-way line a distance of 1,700.00 feet to the northwesterly corner of that certain tract described in Document #1701749, being on file and of record in the Cass County Recorder's office; thence South 01 degree 36 minutes 59 seconds East along the westerly line of said tract a distance of 101.51 feet to said southerly right-of-way line; thence South 78 degrees 27 minutes 56 seconds West along said southerly right-of-way line a distance of 1,697.58 feet to the point of beginning.

The above-described tract contains 3.90 acres, and is subject to all easements, restrictions, reservations, and rights-of-way recorded and unrecorded.

## CERTIFICATION

I hereby certify that this survey, plan, or report was prepared by me or under my direct supervision and that I am a duly Registered Land Surveyor under the laws of the State of North Dakota.

Aaron Skattum, R.L.S.  
N.D. License No. LS-6153

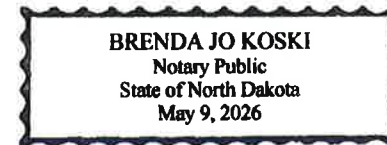


Date: December 15, 2023

State of North Dakota  
County of Cass

On this 15<sup>th</sup> day of December, 2023,  
before me, a Notary Public in and for said county and state, personally appeared Aaron Skattum, Registered Land Surveyor, known to me to be the person described in and who executed the foregoing certificate and acknowledged to me that he executed the same as his free act and deed.

Brenda Jo Koski  
Notary Public, Cass County, North Dakota



SHEET 2 OF 2

### Certificate of Survey

Part of the S1/2 of the SW1/4 of Section 19, T.138N., R.49W.  
Cass County, North Dakota

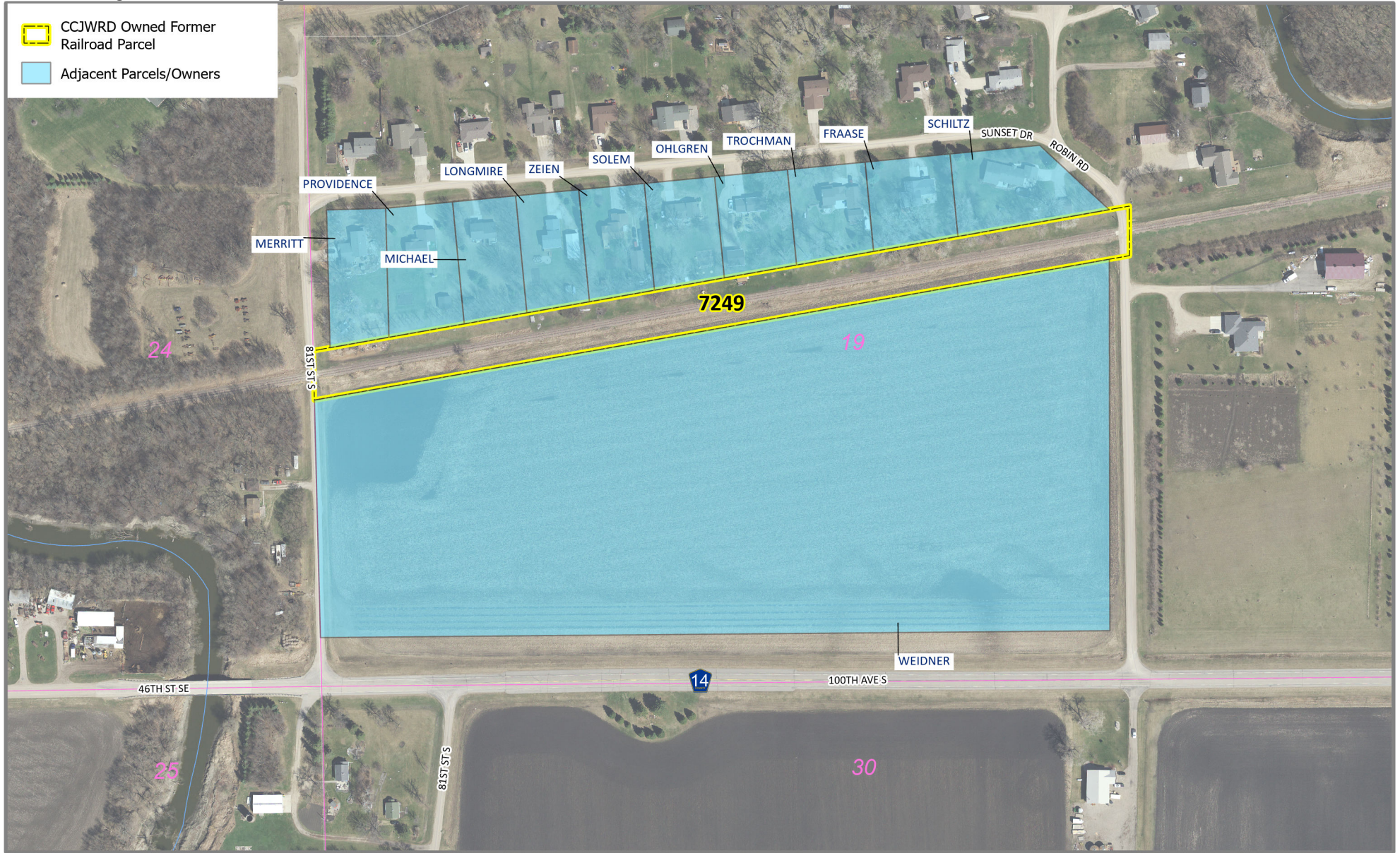
PROJECT No.	21990
DATE:	12.14.23
REVISED:	--
DRAFTER:	LFB
REVIEWER:	CDH



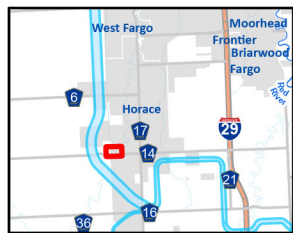
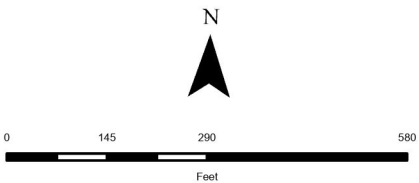
## Exhibit C: Adjacent Owners for Parcel Recommended as Excess Lands



- CCJWRD Owned Former Railroad Parcel
- Adjacent Parcels/Owners



Any reliance upon this map is at user's own risk. AE2S does not warrant the map or its features are either spatially or temporally accurate or fit for a particular use. All parcel acreages and legal descriptions shown hereon are based on County GIS data. Final acreages and legal descriptions to be determined by boundary survey. Coordinate System: NAD 1983 StatePlane North Dakota South FIPS 3302 Feet | Edited by: cwickenheiser | C:\Data\Projects\GIS Projects\FM Area Diversion\012 Lands Program\Property Acquisition\DCAI\Horace Railroad\HoraceRailroad.aprx | Horace Railroad\_AdjacentOwners\_OINs



## Railroad Corridor near Horace, ND Adjacent Owners OIN 7249

FM AREA DIVERSION  
Map Date: 3/14/2024



Exhibit D: Declaration of Excess Land Form

I hereby declare that OIN 7249 as noted in Exhibit A (the parcel) is deemed Excess Land and authorize the disposal of the parcel in accordance with the Policy on the Disposition and Management of Comprehensive Project Lands.




---

Robert Wilson  
Co-Director

04/17/2024

Date



---

Michael Redlinger  
Co-Director

04/17/2024

Date





# Memorandum

TO: Robert Wilson & Michael Redlinger

FROM: Jodi A. Smith

DATE: April 17, 2024

RE: Excess Lands Recommendation – OIN 877, subject to a Flowage Easement

## 1. Introduction

The Metro Flood Diversion Authority (Authority) adopted the Policy on the Disposition and Management of Comprehensive Project Lands (Policy) in March 2021. Per the Policy Preamble, the Authority will periodically review its inventory of real property to determine if its land ownership exceeds its foreseeable needs for the Fargo-Moorhead Area Flood Diversion Project (Comprehensive Project). Land that is no longer needed, not expected to be needed in the future for the Comprehensive Project and declared “Excess Land” by the Co-Directors may be made available for sale, lease, or exchange in accordance with this Policy.

This Memorandum serves as a recommendation for the Co-Directors to declare OIN 877 as Excess Land and begin the process to dispose of the property following the Policy. Note that the parcel is in the Upstream Mitigation Area (UMA) and therefore the Authority (via the Cass County Joint Water Resource District (CCJWRD)) shall reserve a flowage easement on this property as part of a sale.

## 2. Pertinent Facts Regarding OIN 877

Description of Parcel(s)	See Exhibit A for a map showing the parcel recommended as excess land.
Legal Description	See Exhibit B for legal description for the parcel recommended as excess land.
Asset Parcel(s) Size	2.75 acres

Narrative Description of Parcel(s)	OIN 877 is located on 172 <sup>nd</sup> Ave SE in the Upstream Mitigation Area associated with the project. This former residential property has had all structures removed from the property as part of the project.
Purchase Date	July 31, 2022
Purchase Price	\$257,500 (full take)  Land appraised for \$206,000 in the “before” condition and \$5,200 in the “after” condition (i.e., subject to the flowage easement).
Proposed Sale Price	\$13,750  Based on a \$5,000 per acre rate.
Former Owner	Glenn & Kay Rheault
Adjacent Owners	OIN 824 and 825 – Barbara Sauvageau LE  OIN 818X – Lawrence & Susan Richard Living Trust ETAL
Property Management Approach	This parcel has been maintained through a weed control and mowing contract with JT Lawn Service.
Property Taxes	The 2023 property taxes were \$2,103.95
Relation to Construction	Parcel is in the UMA, and not impacted by construction of the Comprehensive Project. The former owner desired a full-take buyout of the property. The former buildings on the parcel have been demoed and the site has been restored.  Any future sale will need to reserve a flowage easement on the parcel to ensure no future development.
Tree Removal	This sale needs to reserve the right to remove trees from the property.
Right of First Refusal	The prior landowner is not entitled to a ROFO.

### 3. Conclusion and Recommendation

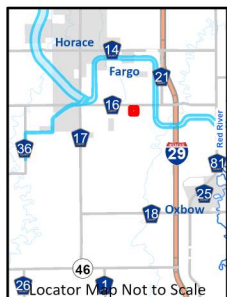
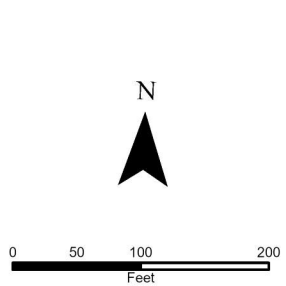
Based on the pertinent facts presented above, it is recommended to declare OIN 877 as “Excess Land” and proceed with the process outlined in the Policy. If you agree with this recommendation, please sign the attached declaration form for our records (Exhibit C).

## Exhibit A: Map Exhibit of Parcel Recommended as Excess Lands





*Any reliance upon this map is at user's own risk. AE2S does not warrant the map or its features are either spatially or temporally accurate or fit for a particular use. All parcel acreages and legal descriptions shown hereon are based on County GIS data. Final acreages and legal descriptions to be determined by boundary survey.*  
 Coordinate System: NAD 1983 StatePlane North Dakota South FIPS 3302 Feet | Edited by: hrecords | C:\Data\Projects\GIS Projects\FM Area Diversion\012 Lands Program\Property Acquisition\Project Wide\Individual Property Maps - General Inquiry\ArcPro General Individual Layout.aprx | IndividualLayout



**OIN: 877**  
**CASS COUNTY JOINT WATER RESOURCE DISTRICT**  
**Parcel ID: 57-0700-00010-000**  
**Cass County, ND**

FM AREA DIVERSION  
 Map Date: 2/13/2024





## Exhibit B: Legal Description for Parcel Recommended as Excess Lands

The legal description for the parcel is described in a Warranty Deed dated August 1, 2022:

### WARRANTY DEED

THIS INDENTURE, made this 1 day of August, 2022, between Glenn M. Rheault and Margaret Lynn Rheault, husband and wife, GRANTOR, and the Cass County Joint Water Resource District, a North Dakota political subdivision, GRANTEE, whose post office address is 1201 Main Avenue West, West Fargo, North Dakota 58078.

WITNESSETH, for and in consideration of the sum of One Dollar (\$1.00) and other good and valuable considerations, GRANTOR does hereby GRANT, BARGAIN, SELL, AND CONVEY unto GRANTEE all of the following real property lying and being in Cass County, North Dakota, and described as follows:

Lot 1, Block 1, of Sauvageau Subdivision, a portion of Section 4, Township 137 North, Range 49 West, Pleasant Township, Cass County, North Dakota.

(the "Property")

And GRANTOR for himself, his heirs, personal representatives, and administrators, does covenant with GRANTEE that he is well seized in fee of the Property and have good right to sell and convey the same in manner and form aforesaid; that the Property is free from all encumbrances, except installments of special assessments or assessments for special improvements which have not been certified to the County Auditor for collection, and the Property in the quiet and peaceable possession of GRANTEE, against all persons lawfully claiming or to claim the whole or any part thereof, GRANTOR will warrant and defend.



Exhibit C: Declaration of Excess Land Form

I hereby declare that OIN 877 as noted in Exhibit A (the parcel) is deemed Excess Land and authorize the disposal of the parcel in accordance with the Policy on the Disposition and Management of Comprehensive Project Lands.



Robert Wilson  
Co-Director

04/17/2024

Date



Michael Redlinger  
Co-Director

04/17/2024

Date



# Memorandum

TO: Robert Wilson & Michael Redlinger

FROM: Jodi A. Smith

DATE: April 17, 2024

RE: Excess Lands Recommendation – OIN 8385Y, subject to a Flowage Easement

## 1. Introduction

The Metro Flood Diversion Authority (Authority) adopted the Policy on the Disposition and Management of Comprehensive Project Lands (Policy) in March 2021. Per the Policy Preamble, the Authority will periodically review its inventory of real property to determine if its land ownership exceeds its foreseeable needs for the Fargo-Moorhead Area Flood Diversion Project (Comprehensive Project). Land that is no longer needed, not expected to be needed in the future for the Comprehensive Project and declared “Excess Land” by the Co-Directors may be made available for sale, lease, or exchange in accordance with this Policy.

This Memorandum serves as a recommendation for the Co-Directors to declare OIN 8385Y as Excess Land and begin the process to dispose of the property following the Policy. Note that the parcel is in the Upstream Mitigation Area (UMA) and therefore the Authority (via the Cass County Joint Water Resource District (CCJWRD)) shall reserve a flowage easement on this property as part of a sale.

## 2. Pertinent Facts Regarding OIN 8385Y

Description of Parcel(s)	See Exhibit A for a map showing the parcel recommended as excess land.
Legal Description	See Exhibit B for legal description for the parcel recommended as excess land.
Asset Parcel(s) Size	8.082 acres (surveyed)

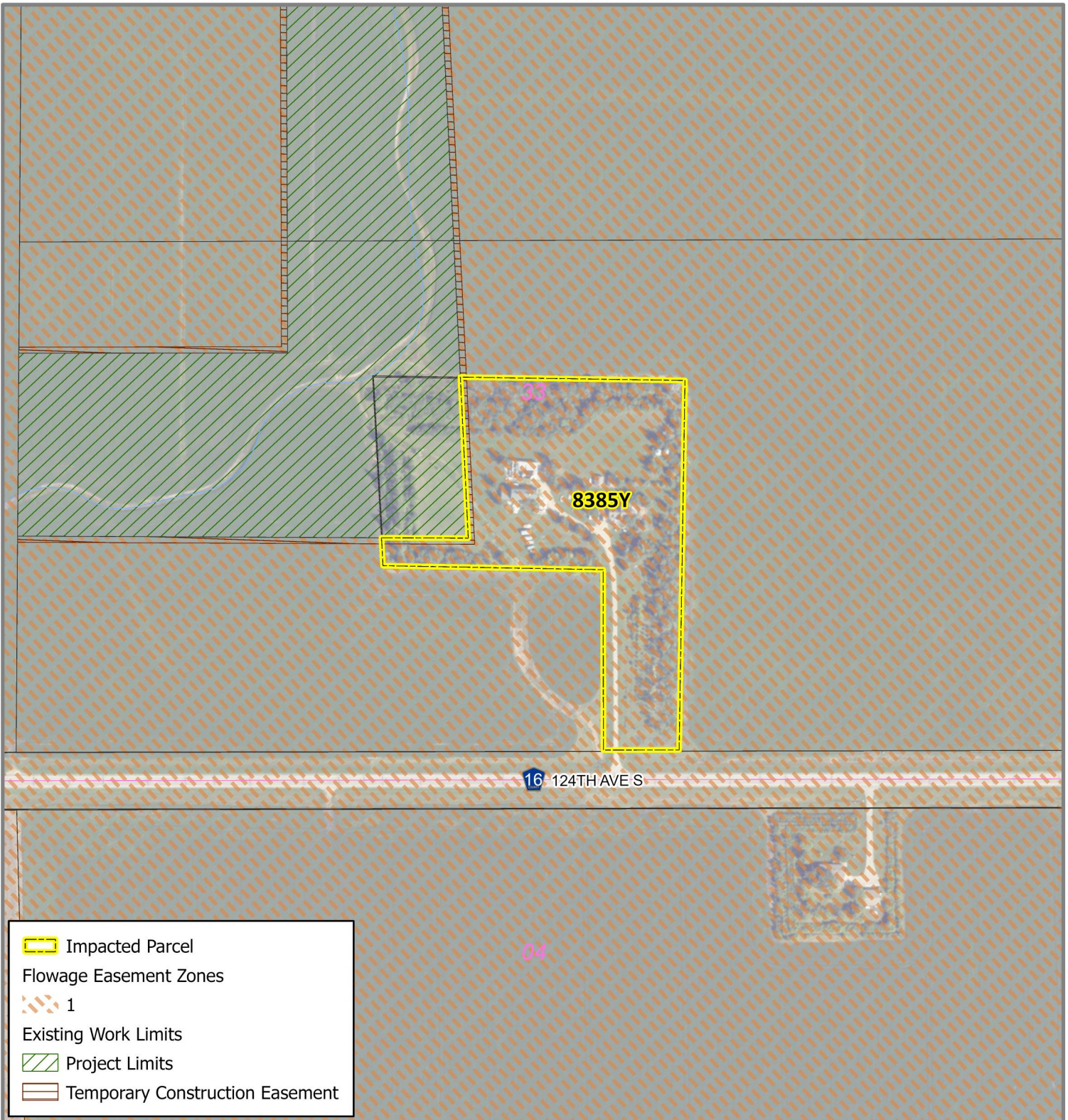
Narrative Description of Parcel(s)	OIN 8385 is located north of 124 <sup>th</sup> Ave S (CR 16). A portion of the parcel that was purchased is within in the Drain 27 Wetland Mitigation Area (OIN 8385N – 1.918 acres) and the remainder of the parcel is in UMA area and will be subject to a Flowage Easement. All structures have been removed from this former residential property.
Purchase Date	November 14, 2022
Purchase Price	<p>\$498,711 (for the lot and structures)The purchase price does not include the value of the shop that had burned down subsequent to the appraisal being completed.</p> <p>The entire residential lot (8.082 + 1.918 = 10.0 acres) and all the structures appraised for \$502,000 in the “before” condition and residential lot was valued at \$14,000/acre. Only the Fee Title acres needed for Drain 27 and associated TCE were contemplated in the appraisal. The appraisal did not consider the FE that is needed on the acres outside of those needed in Fee Title for Drain 27.</p>
Proposed Sale Price	\$40,400 *Based on a \$5,000 per acre rate
Former Owner	Eric Score
Adjacent Owners	OIN 1110X – Phyllis Brunelle LE & OIN 825 – Barbara Sauvageau LE
Property Mgt. Approach	This parcel has been maintained through a weed control and mowing contract with JT Lawn Services.
Property Taxes	The 2023 property taxes were \$0.
Relation to Construction	Parcel is in the UMA, and a portion of this residential parcel is impacted by Drain 27 Wetland Mitigation Area. The former owner desired a full-take buyout. Any future sale will need to reserve a FE on the remaining acres of this parcel to ensure no future development.
Tree Removal	This sale needs to reserve the right to remove trees from the property.
Right of First Refusal	The prior landowner is not entitled to a ROFO.

### 3. Conclusion and Recommendation

Based on the pertinent facts presented above, it is recommended to declare OIN 8385Y as “Excess Land” and proceed with the process outlined in the Policy. If you agree with this recommendation, please sign the attached declaration form for our records (Exhibit C).

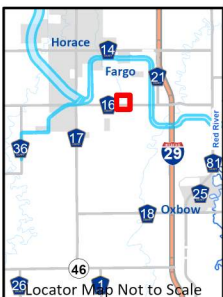
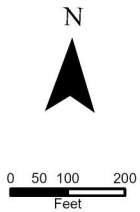
## Exhibit A: Map Exhibit of Parcel Recommended as Excess Lands





	Impacted Parcel
Flowage Easement Zones	
	1
	Existing Work Limits
	Project Limits
	Temporary Construction Easement

*Any reliance upon this map is at user's own risk. AE2S does not warrant the map or its features are either spatially or temporally accurate or fit for a particular use. All parcel acreages and legal descriptions shown hereon are based on County GIS data. Final acreages and legal descriptions to be determined by boundary survey.*  
 Coordinate System: NAD 1983 StatePlane North Dakota South FIPS 3302 Feet | Edited by: hrecords | C:\Data\Projects\GIS Projects\FM Area Diversion\012 Lands Program\Property Acquisition\Project Wide\Individual Property Maps - General Inquiry\ArcPro General Individual Layout.aprx | IndividualLayout



**OIN: 8385Y**  
**CASS COUNTY JOINT WATER RESOURCE DISTRICT**  
**Parcel ID: 64-0000-02793-020**  
**Cass County, ND**

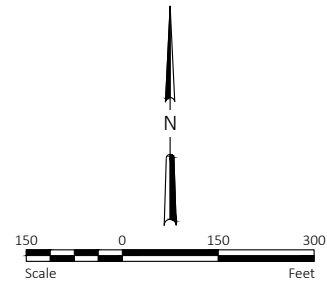
FM AREA DIVERSION  
 Map Date: 2/13/2024





## Exhibit B: Legal Description for Parcel Recommended as Excess Lands




The legal description can be found in the attached Certificate of Survey.



FOUND IRON MONUMENT ●  
 1/2" I.D. IRON PIPE SET ○  
 MEASURED BEARING N88°06'54"E  
 PLAT BEARING (N88°06'01"E)  
 MEASURED DISTANCE 151.04'  
 PLAT DISTANCE (151.04')

MEASURED BEARINGS SHOWN ARE BASED ON THE NORTH DAKOTA STATE PLANE COORDINATE SYSTEM (NAD83) - SOUTH ZONE.

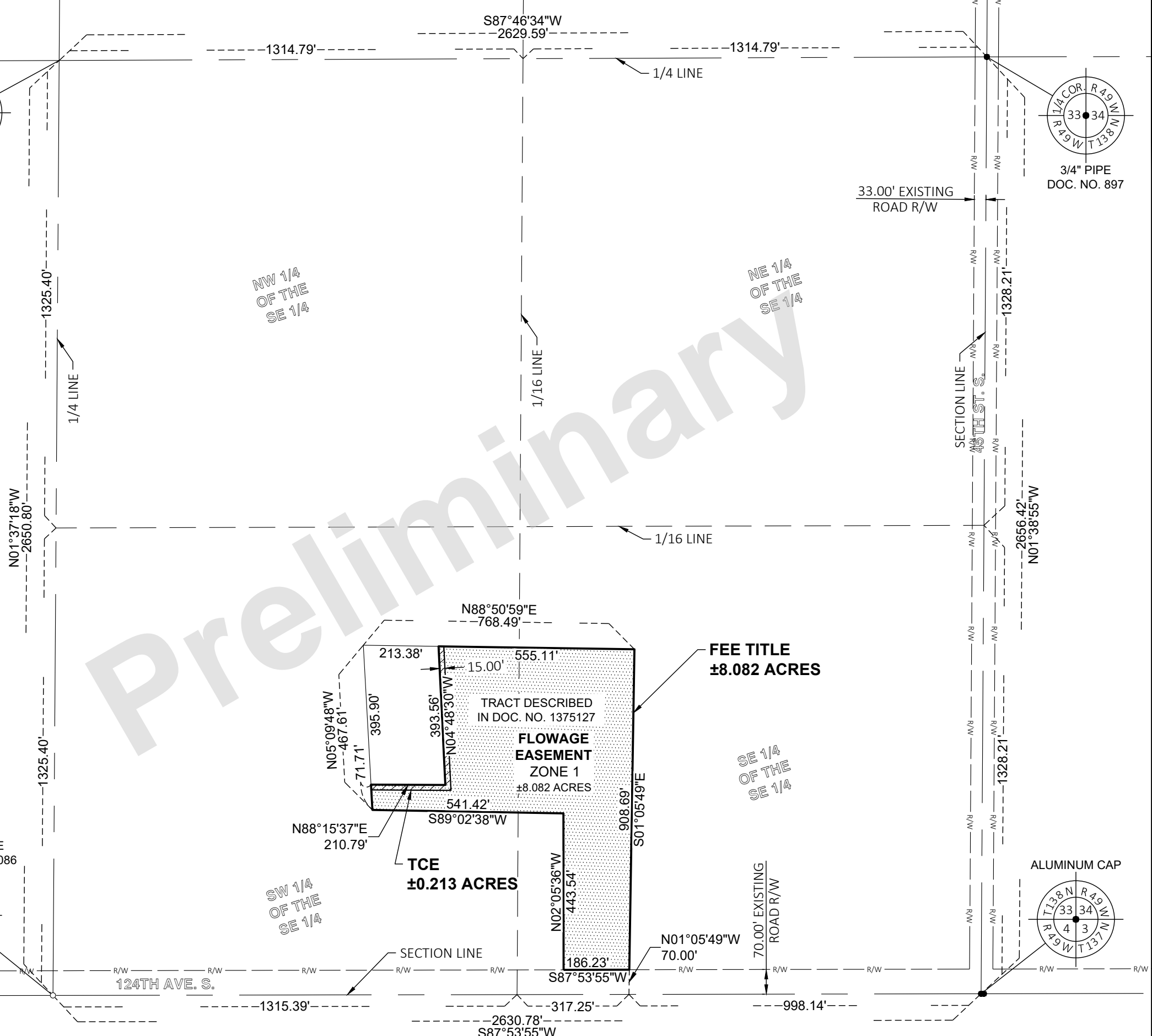
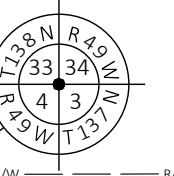
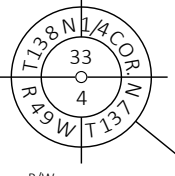
MEASURED DISTANCES SHOWN ARE GROUND DISTANCES IN TERMS OF U.S. SURVEY FEET. USE COMBINATION FACTOR OF 1.0001125127 TO CONVERT STATE PLANE DISTANCES TO GROUND DISTANCES.

TEMPORARY CONSTRUCTION EASEMENT   
 FEE TITLE PARCEL   
 FLOWAGE EASEMENT 

WATER SURFACE ELEVATIONS	
1-PERCENT ANNUAL CHANCE EVENT	920.9'
0.2-PERCENT ANNUAL CHANCE EVENT	922.0'

NOTES:

- Water Surface Elevation data source: CLOMR FEMA, Case No. 19-08-0683R. Vertical datum is NAVD88.
- See Sheet 2 for descriptions of parcels.



H:\JBA\7400\7438\18\_7438\_0029\Phase 1 - Southern Embankment Footprint Surveys\Site SE-2\CAD\Drawn 27\OIN 8385Y CCIWRD PRELIMINARY COS 8.22.23.dwg-SHEET 1-8/22/2023 8:34 AM-(bbucholtz)

No.	Revision	Date	By	I hereby certify that this survey, plan, or report was prepared by me or under my direct supervision, and that I am a duly Registered Land Surveyor under the laws of the State of North Dakota.  James A. Schlieman ND. RLS. No. 6086	Date	Fargo	Drawn by	Date	CCJWRD S 1/2 OF THE SE 1/4, SEC. 33, T138N, R49W CASS COUNTY, ND	CERTIFICATE OF SURVEY OIN: 8385Y PROJECT NO. 7438-0029 PH. 1	SHEET 1 of 2
							DSB	8-22-23			
						P: 701.237.5065 F: 701.237.5101	JAS	AS SHOWN			

H:\JBA\7400\7438\18\_7438\_0029\Phase 1 - Southern Embankment Footprint Surveys\Site SE-2\CAD\Drawn 27\OIN 8385Y CCJWRD PRELIMINARY COS 8.22.23.dwg-SHEET 2-8/22/2023 8:34 AM-(bbucholtz)

OIN 8385Y - Description - Fee Title Parcel:

That part of the South Half of the Southeast Quarter of Section 33, Township 138 North, Range 49 West of the Fifth Principal Meridian, Cass County, North Dakota, described as follows:

Commencing at the southeast corner of said Southeast Quarter; thence South 87°53'55" West, along the southerly line of said Southeast Quarter, for a distance of 998.14 feet; thence North 01°05'49" West for a distance of 70.00 feet to a point of intersection with the northerly line of the South 70.00 feet of said Southeast Quarter, and the southeast corner of a tract described in Document No. 1375127, on file at the Cass County Recorder's Office, and the true point of beginning; thence South 87°53'55" West, along the northerly line of the South 70.00 feet of said Southeast Quarter and along the southerly line of said tract, for a distance of 186.23 feet; thence North 02°05'36" West, along the southerly line of said tract, for a distance of 443.54 feet; thence South 89°02'38" West, along the southerly line of said tract, for a distance of 541.42 feet to the southwest corner of said tract; thence North 05°09'48" West, along the westerly line of said tract, for a distance of 71.71 feet; thence North 88°15'37" East for a distance of 210.79 feet; thence North 04°48'30" West for a distance of 393.56 feet to a point of intersection with the northerly line of said tract; thence North 88°50'59" East, along the northerly line of said tract, for a distance of 555.11 feet to the northeast corner of said tract; thence South 01°05'49" East, along the easterly line of said tract, for a distance of 908.69 feet to the true point of beginning.

Said tract contains 8.082 acres, more or less, and is subject to easements as may be of record.

OIN 8385Y - Description - TCE (Temporary Construction Easement):

That part of the Southwest Quarter of the Southeast Quarter of Section 33, Township 138 North, Range 49 West of the Fifth Principal Meridian, Cass County, North Dakota, described as follows:

A 15.00 foot wide strip of land, lying southerly and easterly of and being coincident with the following described line:

Commencing at the southeast corner of said Southeast Quarter; thence South 87°53'55" West, along the southerly line of said Southeast Quarter, for a distance of 998.14 feet; thence North 01°05'49" West for a distance of 70.00 feet to a point of intersection with the northerly line of the South 70.00 feet of said Southeast Quarter, and the southeast corner of a tract described in Document No. 1375127, on file at the Cass County Recorder's Office; thence South 87°53'55" West, along the northerly line of the South 70.00 feet of said Southeast Quarter and along the southerly line of said tract, for a distance of 186.23 feet; thence North 02°05'36" West, along the southerly line of said tract, for a distance of 443.54 feet; thence South 89°02'38" West, along the southerly line of said tract, for a distance of 541.42 feet to the southwest corner of said tract; thence North 05°09'48" West, along the westerly line of said tract, for a distance of 71.71 feet to the true point of beginning of the line to be described; thence North 88°15'37" East for a distance of 210.79 feet; thence North 04°48'30" West for a distance of 393.56 feet to a point of intersection with the northerly line of said tract, said line there terminating. Said strip shall be lengthened or shortened as necessary to intersect the westerly line of said tract on the west, and to intersect the northerly line of said tract on the north.

Said tract contains 0.213 acres, more or less.

OIN 8385Y - Description - Flowage Easement (Zone 1):

That part of the South Half of the Southeast Quarter of Section 33, Township 138 North, Range 49 West of the Fifth Principal Meridian, Cass County, North Dakota, described as follows:

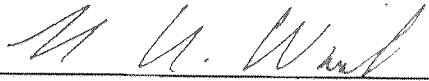
Commencing at the southeast corner of said Southeast Quarter; thence South 87°53'55" West, along the southerly line of said Southeast Quarter, for a distance of 998.14 feet; thence North 01°05'49" West for a distance of 70.00 feet to a point of intersection with the northerly line of the South 70.00 feet of said Southeast Quarter, and the southeast corner of a tract described in Document No. 1375127, on file at the Cass County Recorder's Office, and the true point of beginning; thence South 87°53'55" West, along the northerly line of the South 70.00 feet of said Southeast Quarter and along the southerly line of said tract, for a distance of 186.23 feet; thence North 02°05'36" West, along the southerly line of said tract, for a distance of 443.54 feet; thence South 89°02'38" West, along the southerly line of said tract, for a distance of 541.42 feet to the southwest corner of said tract; thence North 05°09'48" West, along the westerly line of said tract, for a distance of 71.71 feet; thence North 88°15'37" East for a distance of 210.79 feet; thence North 04°48'30" West for a distance of 393.56 feet to a point of intersection with the northerly line of said tract; thence North 88°50'59" East, along the northerly line of said tract, for a distance of 555.11 feet to the northeast corner of said tract; thence South 01°05'49" East, along the easterly line of said tract, for a distance of 908.69 feet to the true point of beginning.

Said tract contains 8.082 acres, more or less, and is subject to easements as may be of record.

				I hereby certify that this survey, plan, or report was prepared by me or under my direct supervision, and that I am a duly Registered Land Surveyor under the laws of the State of North Dakota.		Fargo		Drawn by DSB	Date 8-22-23	CCJWRD S 1/2 OF THE SE 1/4, SEC. 33, T138N, R49W		CERTIFICATE OF SURVEY OIN: 8385Y		SHEET	
				James A. Schlieman ND. RLS. No. 6086		P: 701.237.5065 F: 701.237.5101		Checked by JAS	Scale AS SHOWN	CASS COUNTY, ND		PROJECT NO. 7438-0029 PH. 1		2 of 2	
No.	Revision	Date	By												

Exhibit C: Declaration of Excess Land Form

I hereby declare that OIN 8385Y as noted in Exhibit A (the parcel) is deemed Excess Land and authorize the disposal of the parcel in accordance with the Policy on the Disposition and Management of Comprehensive Project Lands.



Robert Wilson  
Co-Director

04/17/2024

Date



Michael Redinger  
Co-Director

04/17/2024

Date